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| 10/580,299 | 07/28/2006 | Laurent Mainard | 33155.37 | 4048 |

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02/02/2009

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| EXAMINER |
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DENNISON, JERRY B

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2443

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/580,299 | Applicant(s) MAINARD, LAURENT | |
| | Examiner JERRY DENNISON | Art Unit 2443 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to the amendment for Application Number 10/580,299 received on 11/12/2008.
2. Claims 1-16 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Qi et al. (US 2004/0215784).
4. Regarding claims 1, 7, and 12-16, Qi disclosed a method of transferring at least one message for the establishment of a collaboration session (126) by a manager (125)

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of a collaboration session between a plurality of clients, characterized in that a messaging system (122) is associated with the collaboration session manager and in that the method comprises the steps of:

the reception (E500), by the messaging system associated with the collaboration session manager, of a message generated by a collaboration session client, the message comprising a plurality of addresses of clients of the collaboration session (Qi, [0023], Qi disclosed a user/client transmitting a request message that includes a list of invitees and their addresses),

the activation (E508) of a collaboration session by the collaboration session manager (Qi, [0025], Qi disclosed the starting of the collaboration session after receiving the request, by first setting up the participants),

the obtaining (E513) of an identifier for the collaboration session activated (Qi, [0026], [0030], Qi disclosed obtaining a collaboration session identification number or code),

the transfer (E515), for the establishment of the collaboration session, of at least one message intended for each collaboration session client address, the message comprising the identifier of the collaboration session activated (Qi, [0026], Qi disclosed the server inviting the invitees with a message including the session identification number).

Claim 7 includes a method with limitations that are substantially similar to claim 1. Claims 12 and 13 include a device with limitations that are substantially similar to claim 1. Claim 14 includes a system with limitations that are substantially similar to

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claim 1. Claims 15 and 16 include a computer program with limitations that are substantially similar to claim 1. Qi disclosed a method, device, system, and program performing these limitations (Qi, [0007]-[0012], [0021]). As such, claims 7 and 12-16 are rejected under the same rationale.

5. Regarding claim 2, Qi disclosed the limitations as described in claim 1, characterized in that the message generated by the client of the collaboration session is an electronic message comprising the messaging address of the client who generated the message and the messaging address of the plurality of clients of the collaboration session (Qi, [0023]).

6. Regarding claim 3, Qi disclosed the limitations as described in claim 2, characterized in that temporal information is associated with the electronic message (Qi, [0026]).

7. Regarding claim 4, Qi disclosed the limitations as described in claim 2, characterized in that other messaging addresses are included in the electronic message and the method also comprises a step of determining, amongst the messaging addresses included in the electronic message, messaging addresses of the clients of the collaboration session (Qi, [0023]).

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8. Regarding claim 5, Qi disclosed the limitations as described in claim 4, characterized in that a plurality of messaging addresses are associated with the messaging system associated with the collaboration session manager, and a type collaboration session corresponds to each messaging address (Qi, [0023], [0029]).

9. Regarding claim 6, Qi disclosed the limitations as described in claim 5, including wherein accreditations are allocated to the clients of the collaboration session and the message transferred to each client of the collaboration session comprises the allocated accreditation (Qi, [0026] and [0030]).

10. Regarding claim 8, Qi disclosed the limitations as described in claim 7, characterized in that the message generated by the messaging system associated with a collaboration session manager is an electronic message and in that temporal information is associated with the electronic message (Qi, [0023], [0026]).

11. Regarding claim 9, Qi disclosed the limitations as described in claim 8, characterized in that, prior to the establishment of the session (i.e. the first user to start the collaboration session), the method also comprises the steps of:

displaying the identifier of the collaboration session (Qi, [0030], invitees are provided with the identifier, and also must provide the identifier which clearly would utilize displaying the identifier),

detecting a command made by the client for establishing the collaboration session ([0030], First user's request to would establish the session).

12. Regarding claim 10, Qi disclosed the limitations as described in claim 9, characterized in that, prior to the step of establishing a collaboration session, the method comprises a step of activating collaboration software associated with the client (Qi, [0020], a client establishing a session clearly requires the client to use collaboration software).

13. Regarding claim 11, Qi disclosed the limitations as described in claim 10, characterized in that the method also comprises the step of generating, by means of the messaging system associated with the client of collaboration session, a message intended for the messaging system associated with the collaboration session manager, the message comprising the messaging address of the client of the collaboration session (Qi, [0023], [0026], [0028]).

Response to Arguments

Applicant's arguments with respect to the rejections under 35 USC 102 under the Qi reference have been considered but are not persuasive.

Applicant asserts, "In Qi, there is no disclosure of a messaging system associated with the collaboration session manager or the receipt of a message from the collaboration session client by the messaging system." Applicant further asserts, "In Qi, the collaboration session manager (CSM) receives directly a collaboration session

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request initiated by the user of a client computer. [0025] Further, this collaboration session request is not a message directed to the messaging system, but a specific request to implement a service, flowing outside the messaging system” [Response, page 7].

Examiner respectfully disagrees.

As shown by Figure 1 of Applicant's Specification, the Messaging system 122 and Manager 125 are both part of the same device 120. See also, Applicant's Specification, pages 10-11. As such, the Messaging system 122 and the Manager 125 are simply software that make up a portion of device 120.

As shown in the rejection, the software of local server 210 performs all of the functionality as required by the claim. That is, the CSM acts both as the manager and the messaging system as it performs everything as claimed. Since the CSM performs both functions of the messaging system and the manager, the CSM clearly includes the software as required by the claim.

As Applicant pointed out, the collaboration session manager receives a collaboration session request initiated by the user of a client computer. Examiner notes that this request message is in fact a message directed to the messaging system, as the message is a specific request for the messaging system to create a collaboration session. The message is not forwarded along, but instead used by the messaging system to create the collaboration session, as well as create invite messages that are sent to the invitees of the collaboration session, indicated by the request.

As such, the rejections for claims 1-5 are respectfully maintained. Applicant presents similar arguments for claims 7-16. For the same reasons above, the rejections are respectfully maintained.

Applicant's arguments, see page 9 of Applicant's response, with respect to the rejection(s) of claim(s) 6 under Qi in view of Costa-Requena have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made herein.

As shown in the rejection herein, Qi disclosed providing the clients with a code in the message, for which the code is used for accreditations for the client to be a part of the collaboration session.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

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applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/J. Bret Dennison/
Examiner, Art Unit 2443